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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,473	09/23/2003	Simon Derek Hunt	100204675-1	9062
22879 7590 10/04/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,473	HUNT, SIMON DEREK	
	Examiner	Art Unit	
	Samir Termanini	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/18/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12,14-28,30-39 and 41-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14-28,30-39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>N/A</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

BACKGROUND

1. This Final Office Action is responsive to the following communications:
Request for Continued Examination (R.C.E.) filed on 7/18/2007.
2. Claims 1-12, 14-28, 30-39 and 41-45 are pending. Claims 1, 12, 17, 28, 33, 39 and 44 are independent in form. Applicant amended Claims 1, 12, 17, 28, 33, 39, 44. Applicant canceled Claims 13, 29, and 40.

RESPONSE TO AMENDMENT

3. Applicant's arguments overcome the Objection to Drawings made in the previous Office Action (dated 2/26/2007).
4. Applicant's arguments concerning the Examiner's rejections of claims 1-44, made under 35 U.S.C. §102(e) in the previous Office Action (dated 2/26/2007) have been fully considered but they are not persuasive.
5. The declaration filed on 11/27/2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the *Benhase et al.* (Pub No. 2004/0243616 A1). Reference because the scope of the declaration or affidavit is not commensurate with the scope of the claims. Furthermore, the title of the invention appearing on exhibit A does not match the title of the instant application. The declaration is vague and

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contains general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice “amounts essentially to mere pleading, unsupported by proof or a showing of facts” and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In *re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit “asserts that facts exist but does not tell what they are or when they occurred.”).

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CLAIM REJECTIONS - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-44** are rejected under 35 U.S.C. 102(e) as being anticipated by *Benhase et al.* (Pub No. 2004/0243616 A1).

I. Citation of Prior Art

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples¹. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art². Stated

¹ *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

² *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

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differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed.

II. General Discussion of the Applied Prior Art.

Benhase et al. disclose a user interface for a computer system that provides a display of a tree and corresponding table, e.g., a "treetable" display. The tree is updated based on filter and sort operations applied to the table. Tree nodes may represent storage resources of a computer system such as a storage server, logical storage resources, volumes, disks, and the like. Filtering may be based on storage resource identifier, storage resource size, copy type, copy status, copy progress, and characteristics of a copy relationship, such as an identifier of another storage resource that is a source or target resource for copying. The table is updated to display only the information associated with the child nodes that meet the filtering conditions, and their parent nodes, while omitting the information for remaining nodes. Rows of the table displaying information for multiple copy relationships associated with a node remain grouped after sorting or filtering. For clarity, Fig. 3 of Applicant's specification is shown with Fig. 4 of *Benhase et al.*, below:

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FIG. 3

Applicant's Invention

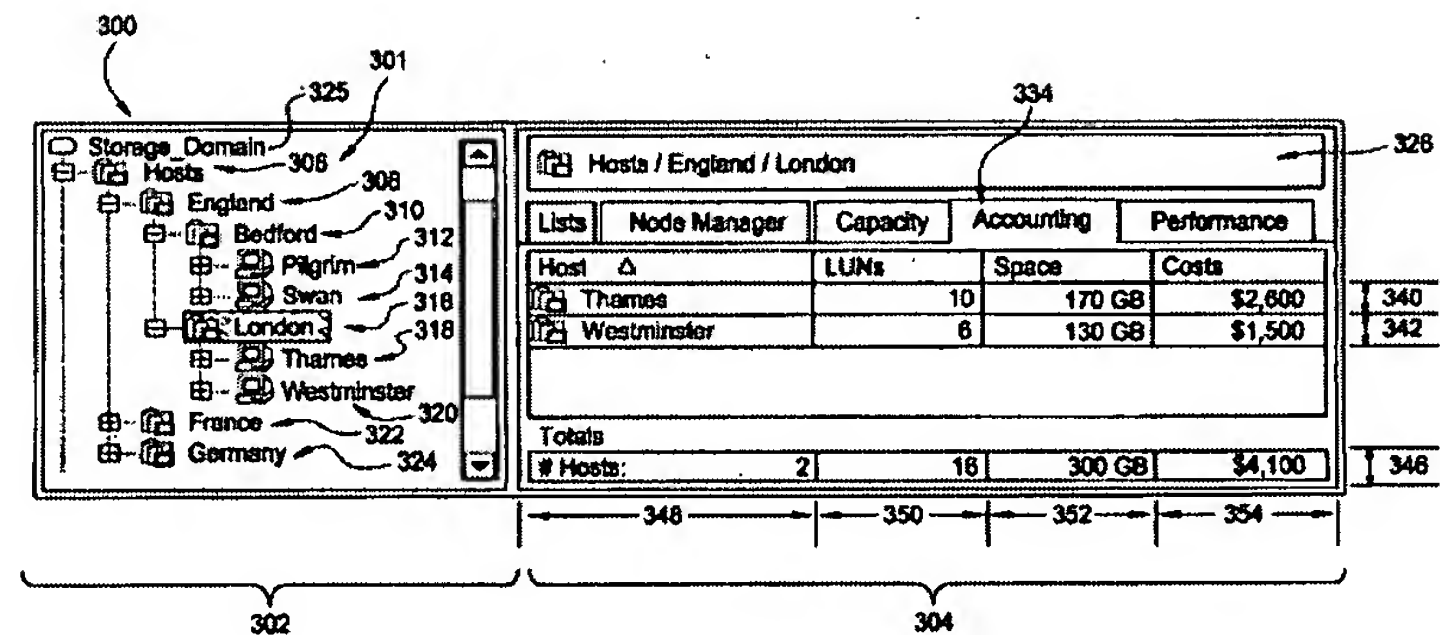


FIG. 5

Benhase et al.

FIG. 5 illustrates a table (410) showing resource information. The table is divided into two main sections: SELECTED RESOURCE (430) and OTHER RESOURCE (450). The SELECTED RESOURCE section includes columns for RESOURCE IDENTIFIER (432), SIZE (SECTORS) (434), COPY TYPE (436), COPY STATUS (438), and COPY PROGRESS (439). The OTHER RESOURCE section includes columns for RESOURCE IDENTIFIER (452), LSS (454), VOLUME (456), and SOURCE/TARGET (458). The table lists resources for SYSTEM A ROOT and SERVER A, including LSS A, LSS B, and LSS C. The table is also labeled with 410, 420, 430, 432, 434, 436, 438, 439, 450, 452, 454, 456, 458, and 490.

SELECTED RESOURCE					OTHER RESOURCE			
RESOURCE IDENTIFIER	SIZE (SECTORS)	COPY TYPE	COPY STATUS	COPY PROGRESS	RESOURCE IDENTIFIER	LSS	VOLUME	SOURCE/TARGET
SYSTEM A ROOT								
SERVER A								
LSS A								
LSS B								
VOL. 4	8				SERVER B	A	7	T
VOL. 3	9	PPRC	S2	0	SERVER A	B	5	T
VOL. 4	5	FC	S3	100	SERVER B	D	2	S
VOL. 3	4	FC	S3	100	SERVER A	C	3	S
VOL. 2	3	FC	S3	100	SERVER B	A	12	S
VOL. 1	5	PPRC	S1	10	SERVER B	D	1	T
VOL. 2	2	PPRC	S3	100	SERVER B	B	4	S
VOL. 1	3	FC	S3	100				
SERVER B								

III. Prior Art Anticipation of Claimed Limitations.

As to independent claim 1, *Benhase et al.* teach a computer implemented method of generating a graphical portion of a graphical user interface (user interface, para [0006]) comprising: illustrating, in the same graphical portion (interface display 400, para. [0037]), a tree hierarchy (tree, para. [0037]) and a table of values (table with...information associated with nodes, para. [0037]); including, in the tree hierarchy, one or more nodes belonging to a first node-category (Logical Subsystem LLS, para. [0037]) and one or more nodes belonging to a second node-category and corresponding

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to a group of elements (e.g. vol. 1-4, Fig 4; *see also* N4-N7 and N9-N10, para. [0037]); adaptively arranging the table, in response to a selection of one of the first-category nodes via the GUI (user selecting node with e.g. a mouse and information being presented about selected node, para. [0038]), to include one or more rows that present information about the one or more second-category nodes (e.g. resources identifier, para. [0038]; *see also* 434 in Fig. 4), respectively, and that report to the selected one of the first-category nodes, and two or more columns representing parameters of the one or more second-category nodes, respectively (*see e.g.* Fig. 3 and 4); and showing, in the rows, sums of individual values exhibited by elements of the group, respectively (e.g. column 434 provides a size of the child resources, para. [0038]).

As to dependent **claim 2**, *Benhase et al.* further teach including, in the tree hierarchy, at least one node belonging to a third node-category (e.g. Node N1 in Fig. 3); wherein the one or more first-category nodes (e.g. Node N2, Fig. 3) report to the at-least-one third-category node, respectively (also *see* Fig. 4 where LSS, A, B, and C report to Server A).

As to dependent **claim 3**, *Benhase et al.* further teach the elements in the tree hierarchy to represent a component in a storage domain (i.e. storage resources, [0036]).

As to dependent **claim 4**, *Benhase et al.* further teach that the parameter of the storage-domain component includes one of the following: a number of LUNs to which the element has access (logical unites 434, Fig. 4); an amount of storage space made

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available to the element (logical unites 434, Fig. 4); and a cost per unit time of an amount of storage made available to the element (copy progress 439, Fig. 4).

As to dependent **claim 5**, *Benhase et al.* further teach a column representing the storage-space-amount parameter (see size column 434, Fig. 4). They also teach that the row is associated via the second-category node (i.e. vols 1-4, Fig 4.) with the respective group of elements shows in a cell intersecting the storage-space-amount-parameter column a sum of the storage space represented by the elements of the group (Fig. 4 shows the volume rows all intersect with the size column).

As to dependent **claim 6**, *Benhase et al.* further teach splitting the graphical portion into a first pane (first display region 410, para. [0037]) and a second pane (second display region 420, para. [0037]); the first pane containing the tree hierarchy (including tree, para. [0037]); and the second pane containing the table (table with rows, para. [0037]).

As to dependent **claim 7**, *Benhase et al.* further teach the first type of row (e.g. rows with the resource identifier 432, Fig. 4) and the second type of row that presents information about a selected first-category node (Additional rows identifying the parent nodes of selected resources [0040], see also Fig. 4).

As to dependent **claim 8**, *Benhase et al.* further teach the second-type row with a cell corresponding to each of the columns respectively (see intersections delineated by the column lines intersection through the rows, Fig. 4) and show cells of the second-type

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row with to be a sum of the values that correspond to cells of the first-type rows (See total size column 434, Fig. 4).

As to dependent **claim 9**, *Benhase et al.* further teach illustrating a title for the table, the title being an at least partial pathname to the selected one of the first-category nodes (node indicia, lines 12-14, [0040]), the pathname including an identifier of a third level node (system element 452 [0040], see also Fig 4.) to which the selected one of the first-category nodes reports (See Fig 4. where first category nodes report to third level nodes, i.e. LLS a,b, and c report to server A).

As to dependent **claim 10**, *Benhase et al.* further teach that the tree hierarchy concerns various-type components of a storage domain (Storage: Lines 11-15, para [0036]), the third-category node represents the total instances of a particular type among the storage-domain components (particular type, [0037]), and each of the second-category nodes represents a subset of the total instances of the particular type of storage-domain component (e.g. volumes, lines 12-13, [0037]).

As to dependent **claim 11**, *Benhase et al.* further teach that the table is formed of multiple tabbed sub-tables (header or title of each column is a tab, that can be clicked to present a new resorted table, para. [0042]).

As to independent **claim 12**, *Benhase et al.* teach a method of generating a graphical portion of a graphical user interface (user interface, para [0006]), the graphical portion concerning various components of a storage domain, the method comprising: illustrating a tree hierarchy (tree, para. [0037]); including, in the tree

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hierarchy, two nodes belonging to a first node-category (Logical Subsystem LLS, para. [0037]), the first-category node representing the total instances of a particular type among the storage-domain components, the at least two nodes representing at least two different ones from among the following types of storage domain components including a storage area network (SAN), an interconnect device, a storage device, a host, or a business application ("...the node indicia may represent various storage resources, such as a storage server, logical storage resources, volumes, disks, and the like...", para. [0036]; See also Fig. 4), and including, in the tree hierarchy, one or more subset nodes belonging to a second node-category reporting to the first-category node (e.g. vol 1-4, Fig 4; see also N4-N7 and N9-N10, para. [0037]), each second-category subset node representing a subset of the total instances of the particular type of storage-domain component (see Fig. 4).

Claim 14, fails to further limit claim 12 and is (in addition to the reasons set forth above) rejected in view of *Benhase et al.* for by the same reasons set forth in regard to claim 12.

As to dependent **claim 15**, *Benhase et al.* further teach that the generation means is further operable to dispose one or more instance nodes belonging to a third node-category reporting to the second-category subset nodes respectively (see Fig. 4 where LSS, A, B, and C report to Server A).

As to dependent **claim 16**, *Benhase et al.* further teach illustrating, in the tree hierarchy, a node a third node-category corresponding to the storage-domain as a whole

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(In 12-13, para. [0037]), each first-category node reporting to the third-category node (Logical Subsystem, para. [0037] reporting to Server as shown in e.g. Fig. 3-4).

As to independent **claim 17**, this claim is a product-by-process claim where the applicant intends for the product itself to depend on the process for making it. Additionally, this claim is directed toward a product defined by a process identically claimed in claim 1. Thus, this claim is analyzed as previously discussed with respect to claim 1 below.

As to dependent **claims 18-27**, these claims are product-by-process claims where the applicant intends for the product itself to depend on the process for making it. Additionally, these claim is directed toward a product defined by a processes identically claimed in claims 2-11, respectively. Thus, these claims are analyzed as previously discussed with respect to claims 2-11 above.

As to independent **claim 28**, this claim is a product-by-process claim where the applicant intends for the product itself to depend on the process for making it. Additionally, this claim is directed toward a product defined by a process identically claimed in claim 1. Thus, this claim is analyzed as previously discussed with respect to claim 12 below.

As to dependent **claims 30-32**, these claims are product-by-process claims where the applicant intends for the product itself to depend on the process for making it. Additionally, these claim is directed toward a product defined by a processes identically

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claimed in claims 14-16, respectively. Thus, these claims are analyzed as previously discussed with respect to claims 14-16 above.

As to independent **claim 33**, *Benhase et al.* teach an apparatus for managing components of a system, the apparatus comprising: a host operatively connected to the components of system (elements 120 and 130, Fig. 1); and manager means for running on the host and for managing the components of the system in part by producing a graphical user interface (manager, para [0025]); and generation means for generating a graphical portion of the GUI (Fig. 1), the generation means being operable to portray, in the same graphical portion, a tree hierarchy (Fig. 4-8) and a table of values; portray, in the tree hierarchy, one or more nodes belonging to a first node-category (element 412, Fig. 4) and one or more nodes belonging to a second node-category (i.e. vols 1-4, Fig 4.) and corresponding to a group of elements (Fig. 4); adaptively dispose the table, in response to a selection of one of the first-category nodes via the GUI, to include one or more rows that present information about the one or more second-category nodes, (user selecting node with e.g. a mouse and information being presented about selected node, para. [0038]), and that report to the selected one of the first-category nodes, and two or more columns representing parameters the one or more the second-category nodes, respectively; and portray, in the rows, sums (e.g. column 434 provides a size of the child resources, para. [0038]). of individual values exhibited by elements of the group, respectively (see e.g. Fig. 3 and 4).

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As to dependent **claims 34-36**, *Benhase et al.* further teach the system and elements within to be storage domain (i.e. storage resources, [0036]) and that a parameter of the storage-domain component includes one of the following: a number of LUNs to which the element has access (logical units 434, Fig. 4); an amount of storage space made available or space amount (logical units 434, Fig. 4); and a cost per unit time of an amount of storage made available to the element (copy progress 439, Fig. 4) and a row associated via the second-category node with the respective group of elements shows in a cell intersecting the storage-space-amount-parameter column a sum of the storage space represented by the elements of the group (Fig. 4 shows the volume rows all intersect with the size column).

As to dependent **claim 37-38**, *Benhase et al.* further teach that the rows of the table are a first type of row (e.g. rows with the resource identifier 432, Fig. 4); and the generation means is further operable to dispose, in the table, a second type of row that presents information about the selected one of the first-category nodes (Additional rows identifying the parent nodes of selected resources [0040], see also Fig. 4). and that the second-type row has a cell corresponding to each of the one or more columns and for each of the one-or-more cells of the second-type row, a sum of the values in the corresponding cells of the first-type rows (e.g. vol 1-4, Fig 4; see also N4-N7 and N9-N10, para. [0037]).

As to independent **claim 39**, *Benhase et al.* teach an apparatus for managing components of a storage domain, the apparatus comprising: a host operatively

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connected to the components of the storage domain (elements 120 and 130, Fig. 1); and storage area manager means for running on the host and for managing the components of the storage domain (manager, para [0025]); in part by producing a graphical user interface (Fig. 4) and generation means for generating a graphical portion of the GUI, the graphical portion concerning various components of a storage domain (Fig. 4-8), the generation means being operable to portray a tree hierarchy (hierarchy, Fig. 4-8); portray, in the tree hierarchy, a node belonging to a first node-category, the first-category node representing the total instances of a particular type among the storage-domain components, the at least two nodes representing at least two different ones from among the following types of storage domain components including a storage area network (SAN), an interconnect device, a storage device, a host, or a business application ("...the node indicia may represent various storage resources, such as a storage server, logical storage resources, volumes, disks, and the like...", para. [0036]; See also Fig. 4) and portray, in the tree hierarchy, one or more subset nodes belonging to a second node-category reporting to the first-category node, each second-category subset node representing a subset of the total instances of the particular type of storage-domain component sums (e.g. column 434 provides a size of the child resources, para. [0038]).

As to substantially identical independent **claim 41**, this claim is rejected for the same reasons set forth in claim 14.

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As to dependent **claim 42**, *Benhase et al.* further teach that the generation means is further operable to dispose one or more instance nodes belonging to a third node-category reporting to the second-category subset nodes respectively (see Fig. 4 where LSS, A, B, and C report to Server A).

As to dependent **claim 43**, *Benhase et al.* further teach that the generation means is further operable to dispose a node a third node-category corresponding to the storage-domain as a whole, each first-category node reporting to the third-category node(Logical Subsystem, para. [0037] reporting to Server as shown in e.g. Fig. 3-4).

As to substantially identical independent **claim 44**, this claim is rejected for the same reasons set forth in claim 1.

As to dependent **claim 45**, *Benhase et al.* further teach, e.g., "resources identifier," (para. [0038]; see also 434 in Fig. 4).

RESPONSE TO ARGUMENTS

8. Applicant arguments, see pp. 16-19 filed 7/18/2007, with respect to the 35 U.S.C. §102(e) Rejections cited by the Examiner in the previous Office Action (Mail dated: 2/26/2007), have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

Applicant argues:

The Benhase '616 PGPub presumes that the only type of storage resource in a computer system is a storage server; see Fig. 1.

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The Examiner disagrees. A disclosure within a reference is not limited to preferred embodiments or any specific examples.³ To the contrary applicant has completely ignored paragraph [0036] which states:

For example, in a user interface for storage resources of a computer system, the node indicia may represent various storage resources, such as a storage server, logical storage resources, volumes, disks, and the like, as illustrated below.

(emphasis added) .

Applicant argues:

By way of inspection of Fig. 4, node SYSTEM A ROOT is a root-level node, and SERVER A and SERVER B are the only two nodes that report to SYSTEM A ROOT. Hence, there is only one type of storage resource in SYSTEM A ROOT, namely servers, and the only two such servers are SERVER A and SERVER B.

The Examiner disagrees. Referring again to paragraph [0036]:

By way of inspection of Fig. 4, node SYSTEM A ROOT is a root-level node, and SERVER A and SERVER B are the only two nodes that report to SYSTEM A ROOT. Hence, there is only one type of storage resource in SYSTEM A ROOT, namely servers, and the only two such servers are SERVER A and SERVER B.

Applicant argues:

table portion 420 of display 400 of the Benhase '616 PGPub shows only one column (namely, column 434, again which indicates the total number of sectors involved in a copy command) indicative of some type of summary information such that any given row shows at most only one sum of individual values of a parameter (namely, the total number of sectors involved in a copy command), as explained above. Claim 1, however, recites showing, in the rows, sums (plural) of individual values exhibited by elements of the group, respectively.

³ In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

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The Examiner disagrees. The Prior Art teaches on each row, sums of individual values exhibited by elements of the group. See column 434 of Fig 5. This is no different than the limitation in Claim 1 requiring the showing, in rows, sums (plural) of individual values exhibited by elements of the group, respectively.

Applicant argues:

Again, the Benhase '616 PGPub presumes that the only type of storage resource in a computer system is a storage server. Fig. 4 of the Benhase '616 PGPub does not show at least two nodes representing at least two different ones from among the following types of storage domain components including a storage area network (SAN), an interconnect device, a storage device, a host, or a business application.

The Examiner disagrees. Both *LSS B* and *LSS C* in the prior art cited are examples of, inter alia, subsystems of hosts (e.g. "... For example, the storage servers and hosts may have logical subsystems (LSSs),..., " para. [0029]) wherein, there are several hosts ("... The resource identifier identifies another storage server, e.g., server "B". This resource could alternatively be a host server, for instance..., " para. [0039]). Independent claims 28 and 39 recite features similar to claim 12, and are treated similarly.

9. Papers filed under 37 CFR 1.131 (on 11/27/2006) have been fully considered but they are not persuasive because they are ineffective to overcome *Benhase et al.* (Pub No. 2004/0243616 A1). See discussion above.

CONCLUSION

10. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure.

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Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

[1] Pg-Pub 2005/0114790

[2] Pg-Pub 2004/0085347

[3] Pat No. 5,832, 496

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

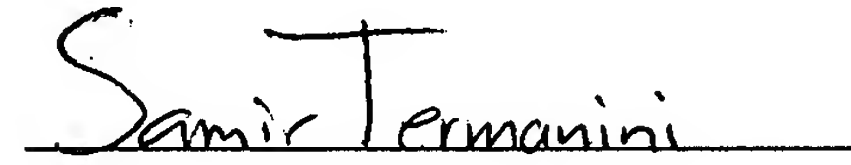
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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